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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,615	05/19/1999	GEORGE E. CARTER	99P7593US	5452
28524	7590	07/27/2005	EXAMINER	
SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			SING, SIMON P	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/314,615	<b>Applicant(s)</b> CARTER ET AL.	
	<b>Examiner</b> Simon Sing	<b>Art Unit</b> 2645	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14 and 16-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14 and 16-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 14 and 16-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown US 5,822,406.

1.1 Regarding claims 14 and 29, Brown discloses an audio switching system for interfacing with a computer in figures 1 and 2 (column 3, lines 48-66). The switching system is capable of switching audio signals between a plurality of audio transducers.

Brown teaches:

receiving a configuration for a plurality of audio transducer in table 1 (column 6, lines 32-38; mode 9; figure 8), said configuration specifying that audio signal s are to e sent to a first audio transducer (earphone of headset 233) and received from a second transducer (microphone 227) (column 9, lines 53-65);

storing the configuration (column 4, lines 21-37; column 6, lines 32-38, table 1);

detecting that a local telephone 201 has been turned on (off-hook) (local-phone-off-hook or LPOHD signal line is actively monitored), and if local telephone 201 (third audio transducer) is off-hook, changing the configuration such that audio signals are received from local telephone's mouth piece (microphone) and are sent to the earphone (speaker) (column 4, lines 33-40, 56-65; column 1, lines 39-57; column 2, lines 27-35).

Although Brown does not explicitly spelling out of routing audio signals to local telephone 201 when it is off-hook, however, Brown does teach a computer 100 for detecting a LPOHD signal, and four relays 203-206 for routing audio signals to appropriate destinations (column 4, lines 33-40, 56-65), and furthermore, in figure 2, local telephone 201 is connected (via relays 203 and 206) to telephone lines (tip and ring) 228 and 229, which in turn are connected to plug 207 and telephone jack 208. Therefore, it is inherent that when the local telephone 201 is off-hook, computer 100 receives the LPOHD signal, and routes audio signals to the local telephone 201.

1.2 Regarding claims 16 and 30, Brown teaches detecting the status of local telephone 210 from a LPOHD signal and routing audio signals to the local telephone 201 if it is off-hook as discussed in claim 14. Brown further teaches detecting from off-

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hood to on-hood to restore a previous configuration since the transducers (microphone and speaker) of local telephone 201 are no longer in operation (column 10, lines 57-62).

1.3 Regarding claim 17, Brown further teaches setting the plurality of audio transducers and a computer system, wherein said configuration is received from the computer system (figure 1B; column 4, lines 21-40).

1.4 Regarding claim 18, Brown further teaches that the configuration is inputted by a user, utilizing a graphical user interface (column 4, lines 6-14).

1.5 Regarding claim 19, Brown teaches:

allowing a user to select one of an input or output audio transducer, such as the microphone or earphone of the local telephone 201 (column 4, lines 6-40); and

automatically selecting a default corresponding input or output audio transducer according to the user's selection (microphone or earphone of local telephone 201).

1.6 Regarding claim 20, as discussed in claim 14, the third transducer is local telephone 201 going off-hook.

1.7 Regarding claim 21, Brown teaches connecting transducers to an audio device, which inherently including a sound card (column 4, lines 6-14; Figures 1A and 1B).

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1.8 Regarding claim 22, Brown discloses an audio switching system for interfacing with a computer in figures 1 and 2 (column 3, lines 48-66). The switching system is capable of switching audio signals between a plurality of audio transducers. Brown teaches:

displaying a configuration for a plurality of audio transducer (column 4, lines 6-14, 33-40; column 6, 32-38, table 1; mode 9; figure 8; column 9, lines 53-65);

receiving a user selection of an audio transducer (microphone of local telephone 201, when local telephone 201 is off-hook), the user selection indicating that the selected audio transducer is to be utilized;

determining if there is default audio transducer (earphone of local telephone 201) that correspond to the selected audio transducer;

automatically selecting default transducer (earphone of local telephone 201);

sending the configuration to the audio switching system (column 3, lines 48-66; column 4, lines 21-40; 56-65).

Although Brown does not explicitly spelling out of routing audio signals to local telephone 201 when it is off-hook, however, Brown does teach a computer 100 for detecting a LPOHD signal, and four relays 203-206 for routing audio signals to appropriate destinations (column 4, lines 33-40, 56-65), and furthermore, in figure 2, local telephone 201 is connected (via relays 203 and 206) to telephone lines (tip and ring) 228 and 229, which in turn are connected to plug 207 and telephone jack 208. Therefore, it is inherent that when the local telephone 201 is off-hook, computer 100 receives the LPOHD signal, and routes audio signals to the local telephone 201.

1.9 Regarding claim 23, Brown teaches pairing microphone 227 with headset 223 (figure 8; column 9, lines 53-65);

1.10 Regarding claims 24 and 25, the microphone and earphone of local telephone are corresponding input transducer and output transducer respectively.

1.11 Regarding claim 26, Brown teaches displaying a plurality of audio transducers in table 1(column 5-8), and figure 8 is a default configuration for telephone emulation (column 9, lines 53-65).

1.12 Regarding claim 27, Brown teaches storing the configuration in table 1 (table 1; column 4, lines 6-14, 33-40; column 6, lines 32-48).

1.13 Regarding claim 28, Brown teaches a telephone emulation mode 9 in figure 8. When a user selects mode 9 from his computer display (column 4, lines 11-14), it is inherent that the user selects a transducer with a corresponding default transducer (microphone 227 to headphone 223).

### ***Response to Arguments***

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2. Applicant's arguments filed on 10/20/2004 have been fully considered but they are not persuasive.

a) The Applicants argue that Brown does not teach storing the configuration received for a plurality of transducers (claim 14).

Examiner disagrees because Brown teaches operating modes in table 1, such that a user may select a mode by computer keyboard inputs or from a click of mouse (see column 4, lines 6-14). Brown further teaches that different operating modes can be programmably selected by a user and additional modes can be programmed to tailor user's needs (see column 6, lines 32-38). It is inherent that the operation modes are stored previously such that a user can select one of these modes.

b) The Applicants also argue that Brown does not teach restoring configuration when third transducer turns off (claim 16).

Examiner disagrees because Brown teaches detecting an on-hook signal of local telephone 201, and once the local telephone is on-hook, the transducers of telephone 201 are off, and mode 9 is inherently restored to its original routings since the transducers of telephone 201 can no longer be reached.

c) The Applicants further argue that Brown does not teach automatically selecting a default corresponding transducer (claim 22).

Examiner disagrees because Brown teaches routing audio signal to and receiving audio signal from local telephone 201 when it is off-hook (selected). It is inherent that the earpiece (speaker) and the mouthpiece (microphone) of telephone 201 are corresponding to (default) each other. For example, once a user selects the



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earpiece of the telephone 201 for a private conversation by lifting the handset of telephone 201, the mouth piece (default transducer) of telephone 201 is automatically selected, and the switch circuit of Brown re-routes audio signal to and from these two transducers.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

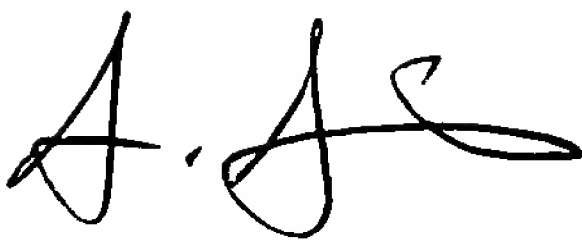
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

07/22/2005



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600